



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 8, 1991

Ms. Genevieve G. Stubbs
First Assistant General Counsel
The Texas A & M University System
300 System Administration Bldg.
College Station, Texas 77843-1116

OR91-478

Dear Ms. Stubbs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13159.

You have received two requests for information relating to certain individuals who are faculty members of West Texas State University (WTSU), including telephone records; payroll and personnel records and files; attendance records; correspondence received or prepared; records relating to supply or equipment acquisition; records and vouchers for travel, entertainment, food, and lodging expenses; and records indicating relative percentages of time spent in research and time spent in classrooms. In addition, one of the requests includes transcripts, recordings, notes and minutes of WTSU Board of Regents meetings for a specified time. You do not object to release of much of the requested information; however, you claim that the telephone records and minutes of closed meetings of the Board of Regents are excepted from required public disclosure by section 3(a)(1) of the Open Records Act.

You contend that the telephone logs are excepted from required public disclosure under the informer's privilege aspect of section 3(a)(1), which excepts "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." The informer's privilege "authorizes a governmental body to withhold information which would reveal the

identity of persons who report possible violations of law to officials charged with the enforcement of that law." Open Records Decision No. 434 (1986). The basis for the informer's privilege is to protect informers from the fear of retaliation. Open Records Decision No. 579 (1990) at 8. However, once the identity of an informer is disclosed to those who would have cause to resent the communication, the privilege is no longer applicable. Open Records Decision No. 202 (1978). In the requests for information, the informers at issue here are mentioned by name. Indeed, the requestor states that he has been made aware of the fact that the two named individuals are informers. Accordingly, the telephone records may not be excepted under the informer's privilege aspect of section 3(a)(1).

You claim that the minutes of closed Board of Regent Meetings are also closed under section 3(a)(1) as information made confidential under the Open Meetings Act, V.T.C.S. article 6252-17. Section 2A(c) of the Open Meetings Act specifically makes confidential certified agendas or tapes of executive sessions. *See also* Open Records Decision No. 495 (1988). Accordingly, the requested transcripts, recordings, notes, and minutes of closed sessions must be withheld from public disclosure. The remainder of the requested information must be disclosed.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling, rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-478.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/GK/lcd

Ref.: ID#s 13159, 13174, 13336
13511, 13548

cc: Mr. Jack W. Gullahorn
Akin, Gump, Strauss, Hauer & Feld
2100 Franklin Plaza
Austin, Texas 78701